

The Honorable David G. Estudillo

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

GABRIELLA SULLIVAN, et al.,

NO. 3:22-cv-05403-DGE

Plaintiffs,

PRAEICE REGARDING STATE
DEFENDANTS' RESPONSE AND
CROSS MOTION FOR SUMMARY
JUDGMENT

BOB FERGUSON, in his official capacity as Washington State Attorney General, et al.,

Defendants,

**ALLIANCE FOR GUN RESPONSIBILITY,
Intervenor-Defendant.**

17 || TO: The Clerk of the Court;

18 || AND TO: All parties of record.

19 The State Defendants respectfully submit this Praeclipe regarding their Response and Cross
20 Motion for Summary Judgment (Dkt. # 114). The State Defendants' brief mistakenly contains an
21 error in footnote two on page five, which the attached brief corrects. Specifically, the State
22 Defendants' original brief has the following passage:

Relying on Professor Klarevas' testimony, Judge Immergut in *Oregon Firearms Federation* found that “[t]he average number of shots fired in a mass shooting where an LCM was not used was sixteen. By contrast, the average number of shots fired in a mass shooting where an LCM was used was *ninety-nine*.²⁰²³ WL 4541027, at *13 (emphasis added) (record citations omitted).

1 The corrected brief filed herewith makes the following change (deletion struck out,
2 addition in **bold**):

3 Relying on ~~Professor Klarevas'~~ **Lucy Allen's** testimony, Judge Immergut in
4 *Oregon Firearms Federation* found that “[t]he average number of shots fired in
5 a mass shooting where an LCM was not used was sixteen. By contrast, the
6 average number of shots fired in a mass shooting where an LCM was used was
7 *ninety-nine.*” 2023 WL 4541027, at *13 (emphasis added) (record citations
8 omitted).

9 No other changes were made to the State Defendants' brief.

10 DATED this 12th day of September 2023.

11 ROBERT W. FERGUSON
12 Attorney General

13 /s/ Andrew Hughes
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20 *and John R. Batiste*

1 **DECLARATION OF SERVICE**

2 I hereby declare that on this day I caused the foregoing document to be electronically
3 filed with the Clerk of the Court using the Court's CM/ECF System which will send notification
4 of such filing to all counsel of record.

5 I declare under penalty of perjury under the laws of the State of Washington and the
6 United States of America that the foregoing is true and correct.

7 DATED this 12th day of September 2023, at Seattle, Washington.

8 _____
9 */s/ Andrew Hughes*
10 ANDREW HUGHES, WSBA #49515
11 Assistant Attorney General
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